

EASTERN DISTRICT OF TEXAS

After careful consideration, the court concludes Plaintiff's objections are without merit. As the magistrate judge found, the allegations set forth in the complaint do not demonstrate Plaintiff is in "imminent danger of serious physical injury" as is required to proceed *in forma pauperis* under 28 U.S.C. § 1915(g). See *Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998).

O R D E R

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 13th day of February, 2009.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE